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Please find below and/or attached an Office communication concerning this application or proceeding.

| Application No. Application (No. Applicanti(s) BOYL-DAVIS ET AL. | | | | Q | | | | | |
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| Examiner Brian D Nash 3721 - The MALLING DATE of this communication appears on the c ver sheet with the correspondence address Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MALLING DATE OF THIS COMMUNICATION. - Enteraction of time may be setablished under the provisions of 3°C FR 1.756(s). In no event, however, may a reply be timely filled - Enteraction of time may be setablished under the provisions of 3°C FR 1.756(s). In no event, however, may a reply be timely filled - If the period fronty specified above, the measurum standary profet will apply and will expire SN (8) MONTHS from the making date of this communication of the communicat | | | Application No. | Applicant(s) | | | | | |
| Bisin D Nash 3721 | Office Action Summary | | 10/016,524 | BOYL-DAVIS ET AL. | | | | | |
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| 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) Notice of Informal Patent Application (PTO-152) | Attachment(| (s) | | | | | | | |
| | 2) D Notice | of Draftsperson's Patent Drawing Review (PTO-948) | 5) D Notice of Informal P | | | | | | |

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DETAILED ACTION

Election/Restrictions

- 1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claims 1-16 drawn to an apparatus for guiding and positioning a machine relative to a work piece surface, classified in class 173, subclass 39.
 - II. Claims 17-23, drawn to an apparatus for drilling holes in a work piece, classified in class 173, subclass 42.
 - III. Claims 24-28, drawn to a process for positioning a machine component relative to a work piece surface, classified in class 173, subclass 32.

The inventions are distinct, each from the other because of the following reasons:

- 2. Inventions I and II are related as combination and subcombination. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)). In the instant case, the combination as claimed does not require the particulars of the subcombination as claimed because the combination uses a plurality of vacuum attachment devices for attaching the rails to the work piece surface. The subcombination has separate utility such as it positions a machine component relative to a work piece surface without a pressure foot actuator.
- 3. Inventions III and I are related as process and apparatus for its practice. The inventions are distinct if it can be shown that either: (1) the process as claimed can be practiced by another materially different apparatus or by hand, or (2) the apparatus as claimed can be used to practice

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another and materially different process. (MPEP § 806.05(e)). In this case the process as claimed can be practiced by another materially different apparatus such as one not having a vacuum means of attachment to the work piece.

- 4. Inventions III and II are related as process and apparatus for its practice. The inventions are distinct if it can be shown that either: (1) the process as claimed can be practiced by another materially different apparatus or by hand, or (2) the apparatus as claimed can be used to practice another and materially different process. (MPEP § 806.05(e)). In this case the apparatus as claimed can be used to practice another and materially different process such as one not requiring the mathematical transformation of a three-dimensional surface into a two-dimensional pattern (i.e. the apparatus of Group II can be used to drill holes on a two-dimensional surface).
- 5. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.
- 6. Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).
- 7. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

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Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian Nash whose telephone number is (703) 305-4959. The examiner can normally be reached on Monday – Thursday from 8 a.m. to 5 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi I. Rada can be reached at (703) 308-2187.

The fax numbers for this Group are:

 Before Final
 703-872-9302

 After Final
 703-872-9303

 Customer Service
 703-872-9301

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-1148.

Brian D. Nash 23 June 2003

Stephen F. Gerrity
Primary Examiner

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